

FOR PUBLICATION

**IN THE DISTRICT COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. THOMAS & ST. JOHN**

STEPHEN McCAULEY,)
)
)
Plaintiff,)
)
)
v.)
) Civil No. 2005-188
UNIVERSITY OF THE VIRGIN)
ISLANDS, SEAN GEORGES in his)
individual and official)
capacities, DR. LAVERNE)
RAGSTER, in her individual and)
official capacities, and JON)
and/or JANE DOES I through X,)
)
)
Defendants.)
)

ATTORNEYS:

Darren J. Baptiste, Esq.
St. Thomas, U.S.V.I.
For the plaintiff,

Marie E. Thomas-Griffith, Esq.
St. Thomas, U.S.V.I.
For the defendants.

JUDGMENT

GÓMEZ, C.J.

This matter was tried on May 11, 2009. Based on the Court's findings of fact and conclusions of law, set forth in accordance with Rule 52(a) of the Federal Rules of Civil Procedure and more fully stated in the Memorandum Opinion of even date, it is hereby

ORDERED that McCauley's claims against University of the Virgin Islands (the "University") are **DISMISSED**; it is further

ORDERED that judgment is entered in favor of McCauley on Count One of the complaint, to the extent it relates to the portion of Section IV, paragraph E of the University of the Virgin Islands Student Handbook 2005-2006 Code of Student Conduct ("Paragraph E") that prohibits speech that "frightens, demeans, degrades or disgraces any person;" it is further

ORDERED that the portion of Paragraph E that prohibits speech that "frightens, demeans, degrades or disgraces any person" is declared unconstitutional; it is further

ORDERED that the director of student housing at the University (the "Director") and the president of the University (the "President") (together with the director, the "Defendants") are enjoined from enforcing the portion of Paragraph E that prohibits speech that "frightens, demeans, degrades or disgraces any person;" it is further

ORDERED that judgment is entered in favor of the Defendants on the remainder of McCauley's claims; and it is further

ORDERED that the Clerk of the Court shall **CLOSE** this matter.

S_____
Curtis V. Gomez
Chief Judge